



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of

Yoseph KOLTUNOV et al.

Group Art Unit:

Application No.: 09/530,758

Examiner:

Filed: May 4, 2000-11-28

Docket No.: 106153

For: **DETERMINATION AND RECOGNITION OF OBJECTS BY
MULTISPECTRAL SENSING**

DECLARATION OF TOVA FAYNERO

Director of the U.S. Patent and Trademark Office
Washington, D.C. 20231

Sir:

I, Tova Faynero, hereby declare and state that:

1. I am a citizen of Israel with the address stated below next to my signature.
2. I am In Charge of Employment in the Human Resources Department of TAMAM Division, Israel Aircraft Industries, Ltd ("IAI"), the assignee of the above-identified U.S. Patent Application.
3. On October 25, 2000, I provided Mr. Joseph Koltunov, one of the inventors of the above-identified application, with copies of the application papers for the above-identified U.S. patent application, including the specification, drawings and claims, and requested that he review the application papers, including the claims, and then sign and date the attached Declaration. The application papers were sent to Mr. Koltunov by special delivery, by an IAI driver, on October 25, 2000. The application papers were delivered to Mr. Koltunov's home at 10/20 Avivim Street, Holon, Israel.

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4. LAI received a letter dated November 12, 2000 from Mr. Koltunov, in which Mr. Koltunov refuses to sign the application papers. A copy of Mr. Koltunov's November 12, 2000 letter is attached as Exhibit A with a verified English translation. While Mr. Koltunov acknowledges receipt of the application papers on October 25, 2000, he refuses to sign the application for the reasons set forth in his November 12, 2000 letter.
5. LAI replied to Mr. Koltunov in a letter dated November 26, 2000, a copy of which is attached as Exhibit B with a verified English translation.
6. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made upon information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fines and/or imprisonment under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

28/11/00

Date

LOJA Faino

Signature

LAI TAMAM Industrial Zone

P.O. box 75, Yehud, Israel

Address

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לכבוד
גב' תמר ידלד
מנהלת חוזים
מפעל תמם

ג.ג

החזרה בגשת חתומה לרישום פטנט מס' 09/530,758 בארץ

בתוספת לשיחות קודמות בנושא הנדון, ברצוני להודיע על סידור מחולקת לחתום על הטופס שנשלח לי בתאריך 28/10/2000 מסיבות הבאות:

1. כיום אחרי שנתיים מסועד רישום פטנט קודם אני מניח שיש כמה טענות לא משכנעות ואפילו שגויות בטקסט הפטנט הנוכחי.
2. בנוסף, חלק מהצעות סכמיות בפטנט נוכחי הינו מחוץ תוצאות זיהוי שאלות חגשתי עוד לפני תחילת המסוקתי בתעשייה האווירית. פירוטמים שלי קודמים מוכיחים את זה.
3. לאור כל האמור, אני מניח שתגשת פטנט בצורה כזאת לרישום בארץ הינה בילתי אפשרית, זאת תגיד, חשקט והוכיח בכלל אינו ניתן לרישום כפטנט.

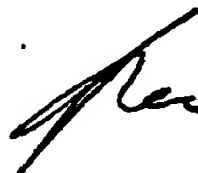
הצעות להפגל תמם:

1. חובה לחשלים את הפטנט בהתאם להערות שלי אשר אני יכול לתבחיך אחרי הסכמה וודית עם המפעל.
 2. אני מוכן להשתתף בעבודות משותפות לחלמת הפטנט בתנאים המדמיימים לשני הצדדים.
 3. רק לאחר סיום העבודות האלה, אני, כמסומת, אוכל להבטיח רמה מקצועית של מקסט הנדרשת לרישום הפטנט.
- עד כמה שידוע לי, בעיות מדעיות סכמיות כולל מחלוקת דעות אינן ניתנות לעיון במשפט.

בכבוד רב

יוסף קולטנוב

12.11.2000.



Attention: Ms. Tamar Yadler
Contracts Manager
TAMAM Plant

Re: U.S. Patent Application No. 09/530,758
On Behalf of Israel Aircraft Industries LTD

Dear Ms.,

Further to prior conversations on the matter above, I would like to inform you that I totally refuse to sign the form that was sent to me on October 25th 2000 for the following reasons:

1. Today two years after the date of the registering of a prior patent I assume that there are a few unconvincing and even wrong claims in the text of the current patent.
2. In addition, some of the technical proposals in the current patent is results that I have arrived at prior to my employment with IAI. My previous publications prove this.
3. In light of the above, I assume that submitting a patent in this form for registration in the USA is not possible, what more that the current text cannot be registered as a patent at all.

My Offer to TAMAM Plant:

1. TAMAM must complete the patent according to my notes, which I can clarify after coming to a mutual understanding with the plant.
2. I am willing to participate in mutual labors to complete the patent under conditions that will be suitable for both sides.
3. Only after finishing these labors, I, as an expert, will be able to assure a professional level of the text as required for registering the patent.

As far as I know, technical scientific problems including differences of opinions cannot be discussed by court.

Sincerely,

Joseph Kolmanov

November 12th 2000

Translated by: Tamar Yadler.

CERTIFICATION

I, Tamar Yadler, Advocate (Israeli license number 23507), hereby certify that the above letter is an accurate literal English translation of the Hebrew origin. Any grammar mistakes are due to the origin.

Tamar Yadler, Advocate (19 November 2000).

03-531 5643 : טלפון:
03-531 5133 : פקס:
סימוכין
26 נובמבר, 2000 : תאריך:
כ"ח חשוון, תשס"א

מבלי לפגוע בזכויות

לכבוד
מר יוסף קולטזוב
רח' אביבים 10/20
חולון 58267

2.4

הנדון: בקשת חתעשיית האווירית לרישום מטאט מסי' 09/530,758 באה"ב
סימוכין: מכתבנו מיום 6/11/00, מכתבד מיום 12/11/00

בהמשך למסתבים שבסימוכין, חרית פונים אליך כדלחן :

1. הפטנט שחוגש לרישום בארץ"ב מחוזה המשך ישיד וזתה במחותו לפטנט שחוגש לרישום ב-PCT.
2. הפטנט עבר את אישור רשם ה-PCT ובכך אנו רואים חוכחה לנכונות המדעית וחממאית של חטענות וחחצעות חכלולות בפטנט.
3. אתה עצמך חזית שותף בכיר בצוות שהשתתף בחמצאח נשוא הפטנט, ואף חתמת על מסמכים שונים, כולל יפוי כח למשרד עורכי הפטנטים שלנו, לצורך רישום הפטנט ב-PCT.
4. חמשת הממציאים האחרים מאשרים את נכונות החמצאח וחחחכנות שלה מבחינה טכנולוגית - מדעית, כשם שחטכינו למחות הפטנט בשנת 1998 (בעת רישום חבקשה ל-PCT).
5. ברור לנו שחטת לתעית עם ידע קודם, כמו שאר הממציאים שהשתתפו בצוות, וכל אחד תרם כפי יכולתו לחמצאח נשוא הפטנט, אך אין בכך כדי לסתור את חחדשנות שבפטנט.
6. בנוסף, כאמור לעיל, הפטנט עבר את אישור רשם ה-PCT חבינלאומי, ולאור זאת ברור שחטקסט ניתן לרישום כפטנט וזאת בניגוד לעמודך בסעיף 3 למכתבך.
7. לאור כל האמור, איננו מוצאים ממש בטענותיך ואנו זוחים אותן מכל וכל.

- בכבוד רב
תמר ידלר, עו"ד
מנחלת חוזים

מר מרטי אלון

TEL: (972)-3-531-5543
FAX: (972)-3-531-5133
REF:
29 November, 2000

Attention: Mr. Joseph Koltunov
10/20 Avivim st.
Holon 58267

WITHOUT PREJUDICE

Re: U.S. Patent Application No. 09/530,758
On Behalf of Israel Aircraft Industries LTD
Ref: Our letter dated 6/11/00, Your letter dated 12/11/00

Dear Sir,

Further to the above-referenced letters:

1. The Patent that we are applying for in the US constitutes a direct continuation and is identical in essence to the patent that was applied for with the PCT.
2. The PCT Examining Authority approved the Patent and we believe that this is some proof that the scientific claims and suggestions included in the patent are true.
3. You yourself were a senior partner in the team that participated in the said invention, and you even signed certain documents, including a power of attorney to our patent attorneys, in order to register the patent with the PCT.
4. The other five inventors verify the invention scientifically and technologically, just as they have agreed on the patent's essence in 1998 (when the patent was applied for with the PCT).
5. We are aware of the fact that you arrived at IAI with prior knowledge, as did the rest of the inventors who participated in the team, and every one contributed his best efforts to the said invention, but that does not contradict the novelty of the invention.
6. Additionally, as stated above, the PCT Examining Authority approved the patent, and in light of that, it is clear that the text can be registered as a patent, contrary to your statement in section 3 of your letter.

THIS DOCUMENT CONTAINS PROPRIETARY INFORMATION OF ISRAEL AIRCRAFT INDUSTRIES LTD. AND MAY NOT BE REPRODUCED, COPIED, DISCLOSED OR UTILIZED IN ANY WAY, IN WHOLE OR IN PART, WITHOUT THE PRIOR WRITTEN CONSENT OF ISRAEL AIRCRAFT INDUSTRIES LTD.

koltunov13.doc

Industrial Zone, Yehud, ISRAEL P.O. Box 75 Yehud Zip Code 504100

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7. In light of all the above, we do not find your arguments convincing and we reject them entirely.
8. We beseech you, once more, to sign the form that was attached to our last letter, without further ado, or else IAI will be forced to act against you with all the legal means at it's disposal, including indemnification for all the costly expenses that your refusal is causing IAI.
2. At the same time, and while retaining our rights under any law, we are continuing to act according to the procedure stated in the American law in the case when an inventor refuses to sign an application for registering a patent, which substitutes his signature.

Sincerely,

Tamar Yadler, Attorney
Contracts Manager

Translated by: Tamar Yadler.

CERTIFICATION

I, Tamar Yadler, Advocate (Israeli license number 23507), hereby certify that the above letter is an accurate literal English translation of the Hebrew origin.

Tamar Yadler, Advocate (28 November 2000).